€ 01-18-06 11:37 AM **€**

1	STATE LONG-TERM CARE FOR INMATES				
2	2006 GENERAL SESSION				
3	STATE OF UTAH				
4	Chief Sponsor: Jackie Biskupski				
5	Senate Sponsor: Darin G. Peterson				
6					
7	LONG TITLE				
8	General Description:				
9	This bill modifies the chapter titled "Department of Corrections State Prison" to				
10	require the department to $\hat{H} \Rightarrow [provide appropriate health care for terminally and chronically$				
11	ill patients, and to require that the department] ←Ĥ provide notice to any health care facilities				
12	where these offenders may become residents.				
13	Highlighted Provisions:				
14	This bill:				
15	provides definitions;				
16	$\hat{H} \Rightarrow [$ \rightarrow requires the Department of Corrections to provide for the health care needs of an				
17	inmate who is chronically or terminally ill;] $\leftarrow \hat{\mathbf{H}}$ and				
18	 provides that if an inmate is given an early release, pardon, or parole due to a 				
19	chronic or terminal illness, and is then subsequently to be admitted as a resident of a				
20	health care facility due to that illness, the department shall provide written notice to				
21	the administrator of the facility prior to the offender's admission:				
22	 advising of the offender's conviction and status with the department; and 				
23	• stating that the administrator shall provide this information to residents $\hat{\mathbf{H}} \rightarrow \underline{\mathbf{or}}$				
23a	their guardians ← Ĥ and staff				
24	$\hat{\mathbf{H}} \rightarrow [30] \underline{\mathbf{ten}} \leftarrow \hat{\mathbf{H}}$ days prior to admission of the offender $\hat{\mathbf{H}} \rightarrow \underline{\mathbf{:}} \underline{\mathbf{and}}$				
24a	• notify future residents or their guardians of current resident offenders $\leftarrow \hat{H}$.				
25	Monies Appropriated in this Bill:				
26	None				
27	Other Special Clauses:				

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28	None				
29	Utah Code Sections Affected:				
30	ENACTS:				
31	64-13-39.5 , Utah Code Annotated 1953				
32 33	Be it enacted by the Legislature of the state of Utah:				
34	Section 1. Section 64-13-39.5 is enacted to read:				
35	64-13-39.5. Definitions Health care for chronically or terminally ill Notice to				
36	health care facility.				
37	(1) As used in this section:				
38	(a) "Chronically ill" has the same meaning as in Section 31A-36-102.				
39	(b) "Health care facility" Ĥ→ [has the same meaning as in Section 26-21-2] means an				
39a	assisted living facility as defined in Subsection 26-21-2(5) and a nursing care facility as defined				
39b	in Subsection 26-21-2 (17), except that transitional care units and other long term care beds				
39c	owned or operated on the premises of acute care hospitals or critical				
39d	care hospitals are not health care facilities for the purpose of this section $\leftarrow \hat{H}$.				
40	(c) "Terminally ill" has the same meaning as in Section 31A-36-102.				
41	$\hat{H} \rightarrow [\underline{(2)}]$ The department shall provide appropriate health care for an inmate who is				
42	chronically ill or who is terminally ill.				
43	(3) (2) $\leftarrow \hat{H}$ If an inmate is given an early release, pardon, or parole due to a chronic				
43a	or terminal				
44	illness, and is subsequently admitted as a resident of a health care facility due to the chronic or				
45	terminal illness, the department shall provide written notice to the administrator of the facility,				
46	stating:				
47	(a) the offense for which the offender was convicted and a description of the actual				
48	offense;				
49	(b) the offender's status with the department; and				
50	(c) that the information provided by the department regarding the offender shall be				
51	provided to employees $\hat{\mathbf{H}} \rightarrow [\underline{\mathbf{or residents}}] \leftarrow \hat{\mathbf{H}}$ of the facility no later than $\hat{\mathbf{H}} \rightarrow [\underline{30}]$ ten $\leftarrow \hat{\mathbf{H}}$ days				
51a	prior to the offender's				
52	admission to the facility.				
52a	$\hat{H} \rightarrow (3)$ (a) The administrator of the facility shall provide residents of the facility or				
52b1	<u>their</u>				
52b	guardians notice that a convicted felon is being admitted to the facility no later than ten days				
52c	prior to the offender's admission to the facility.				
52d	(b) The administrator of the facility shall advise potential residents or their guardians				
52e	of persons under Subsection (2) who are current residents of the facility. ←Ĥ				

33	(4) The department shall provide notice under Subsection (3) $H \rightarrow (a) \leftarrow H$ no later than
53a1	Ĥ → [<u>45</u>]
53a	<u>15</u> ←Ĥ <u>days</u>
54	prior to the offender's admission as a resident of a health care facility.
54a	Ĥ→ (5) The department shall make rules under Title 63, Chapter 46a, Utah
54b	Administrative Rule making Act, establishing a consistent format and procedure for providing
54c	notification to facilities under this section. ←Ĥ



Legislative Review Note

as of 12-19-05 3:53 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

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State Long-term Care for Inmates

23-Jan-06 7:51 AM

State Impact

Fiscal impacts can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst

